

On September 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16046. Adulteration of frozen poultry. U. S. v. 2 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23021. I. S. No. 03002. S. No. 1078.)

On August 28, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Falls City Creamery Co., from Falls City, Nebr., on or about August 3, 1928, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16047. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22246. I. S. No. 23228-x. S. No. 298.)

On December 1, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Southern Cotton Oil Co., Montgomery, Ala., November 22, 1927, and transported from the State of Alabama into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "White Mule Brand Cottonseed Meal, * * * Guaranteed Analysis Protein 43 Per Cent."

It was alleged in the libel that the article was misbranded in that the statement "Protein 43 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On December 9, 1927, the Black Rock Milling Corporation, Black Rock, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and if sold that it be relabeled as containing 41.4 per cent protein.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16048. Adulteration and misbranding of salad oil. U. S. v. 10 Cartons of Salad Oil, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22071, 22655. I. S. Nos. 16772-x, 21465-x. S. Nos. 113, 685.)

On September 28, 1927, and March 24, 1928, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 19 cartons and 29 cans of salad oil, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by A. Gash & Co., or A. Gash & Co. (Inc.), New York, N. Y., in various consignments, on or about December 17, 1926, and October 15, December 1, and December 22, 1927, respectively, and had been transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Messina Brand Extra Fine Oil for Salads, Cooking, and Mayonnaise, Net Contents 98% of a Gallon or 7½ lb. Net * * * Messina Brand Oil is a high grade golden corn oil made from the kernel of American Corn * * *." The remainder of the said article was labeled in part: "Messina Brand Extra Fine Oil * * * Net Contents 3-Qts. 1-Pt., 12-Fl. Ozs. Made in U. S. A." (Design in Italian colors.)

Adulteration was alleged in the libel with respect to a portion of the article for the reason that a mixture of corn and cottonseed oil had been substituted in part for the said article, and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged with respect to the said portion for the reason that the statements, "Messina Brand is a high grade golden corn oil," "Net Contents 98% of a gallon or 7½ lb. net," were false and misleading and deceived and misled purchasers, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was offered for sale under the distinctive name of another article.

Adulteration was alleged with respect to the remainder of the article for the reason that cottonseed oil had been mixed and packed with and substituted in part for the article.

Misbranding was alleged with respect to the remainder of the article for the reason that the statement "Messina Brand Extra Fine Oil," together with the design in Italian colors, borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On August 2, 1928, A. Gash & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$300, conditioned in part that it be poured into barrels and labeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16049. Adulteration of oysters. U. S. v. Charles Neubert (Charles Neubert & Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 22559. I. S. Nos. 19310-x, 20595-x.)

On July 6, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Neubert, trading as Charles Neubert & Co., Baltimore, Md., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 21, 1927, from the State of Maryland, in part into the State of Illinois, and in part into the State of Pennsylvania, of quantities of oysters which were adulterated. The article was labeled in part: "Neubert's Oysters * * * Chas. Neubert & Co., Baltimore, Md."

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for oysters, which the article purported to be.

On September 17, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16050. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22926. I. S. No. 03102. S. No. 992.)

On July 27, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of frozen poultry, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Lathan & Sons Packing Co., Yates Center, Kans., alleging that the article had been shipped from Yates Center, Kans., on or about July 23, 1928, and transported from the State of Kansas into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 20, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*